

Todd Bofferding, OSB #883720
Attorney at Law
P.O. Box 539
Hood River, OR 97031
541.490.9012
tbofferding@gorge.net

Attorney for Defendant Kenneth Earl Hause

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)
) 3:18-CR-00319-MO-4
 Plaintiff,) DEFENSE COUNSEL'S
) DECLARATION IN SUPPORT OF
 vs.) DEFENDANT'S MOTION TO
 KENNETH EARL HAUSE,) CONTINUE TRIAL DATE
)
 Defendant.)

State of Oregon)
) ss
County of Hood River)

I, Todd Bofferding, appointed CJA Panel counsel for Defendant Kenneth Earl Hause, hereby makes this Declaration that the following is true to the best of Counsel's knowledge, and made under the penalty of perjury:

This Declaration is in support of Defendant's Motion to Continue the Trial Date which is filed simultaneously herewith.

The Defendant is not in custody. Defendant first appeared in Magistrate Court in this District on January 31, 2019. There has been one prior continuance of the trial date

in this case.

Defendant requests the trial date be continued from April 13, 2020 to a firm date approximately 6 months therefrom.

Defendant is charged in this Court with RICO in violation of 18 U.S.C. 196(d), and in this case he is joined by 6 other defendants who are charged with murder, of which Defendant is not so charged. The grounds for a continuance as to Mr. Hause is since October of 2019 Counsel and attorneys with the U.S. Attorney's Office have engaged in fruitful negotiations, final approval of which is still pending from government supervisors outside of the District of Oregon. It is unknown when, or if approval will be granted, although the parties are optimistic. If approval is not granted, and this case is not resolved by way of a negotiated plea, the government has informed Counsel that they would not object to a continuance of the trial date so that Counsel may fully engage in trial preparation, complete pre-trial investigation, prepare all appropriate pre-trial legal research and motions, obtain the needed experts and trial assistance within a CJA budget, begin spending CJA resources in fully defending Defendant at trial, and to otherwise adequately prepare for trial. If negotiations are not approved, Counsel does not believe a proper defense could be presented under the current trial schedule. Therefore a continuance of the trial date is justified and necessary.

Counsel has conferred with Assistant United States Attorneys Leah Bolstad and Steven Mygrant, and they do not object to the requested trial continuance. Counsel has conferred with the attorneys for the remaining co-defendants who have not yet entered a guilty plea, and all but Defendant #1 do not object to the requested trial continuance.

Counsel has spoken with Defendant, and he understands his rights provided by the Speedy Trial Act, and he agrees to waive those rights by the continuance motion, and agrees that the above mentioned continuance, if granted, would constitute excludable delay.

The period of delay resulting from the granting of this continuance motion will be excludable, pursuant to 18 U.S.C. 3161(h)(7)(A), (B)(iv) because the ends of justice will be better served by the granting of the continuance, and a continuance will outweigh the best interests of the public and Defendant in a speedier trial.

RESPECTFULLY SUBMITTED this 21st day of January 2020.

/s/ Todd Bofferding

Todd Bofferding, OSB #883720
Attorney for Defendant Hause